

PUBLIC NOTICE
INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

GP07-04-03 & C07-084. General Plan Amendment to change the Land Use/Transportation Diagram from Medium Density Residential 8-16 DU/AC on 0.6 acres (a portion of APN: 092-20-139) and Medium Low Density Residential 8 DU/AC on 0.36 acres (a portion of APN: 092-20-139 and all of APN: 092-20-008) to Neighborhood/Community Commercial on a 0.96 gross acre site and Conventional Rezoning to rezone from CO Commercial Office Zoning District on 0.8 acres (APN: 092-20-139) and R-2 Two Family Residence Zoning District on 0.16 acres (APN: 092-20-008) to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.96 gross acre site at 3102 Landess Avenue and 2148 Morrill Avenue. (Klifo Family Invs LLC, Owner / CFC Commercial Finance Corp, Developer). Council District: 4

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Negative Declaration for the proposed project at **3102 Landess Avenue and 2148 Morrill Avenue**, and to provide an opportunity for public comments on the draft Negative Declaration. The public review period for this draft Negative Declaration begins on **October 8, 2008** and ends on **October 28, 2008**.

A public hearing on the project described above is tentatively scheduled for **November 5, 2008** at 6:30 in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Berryessa Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call Bill Roth at (408) 535-7873.

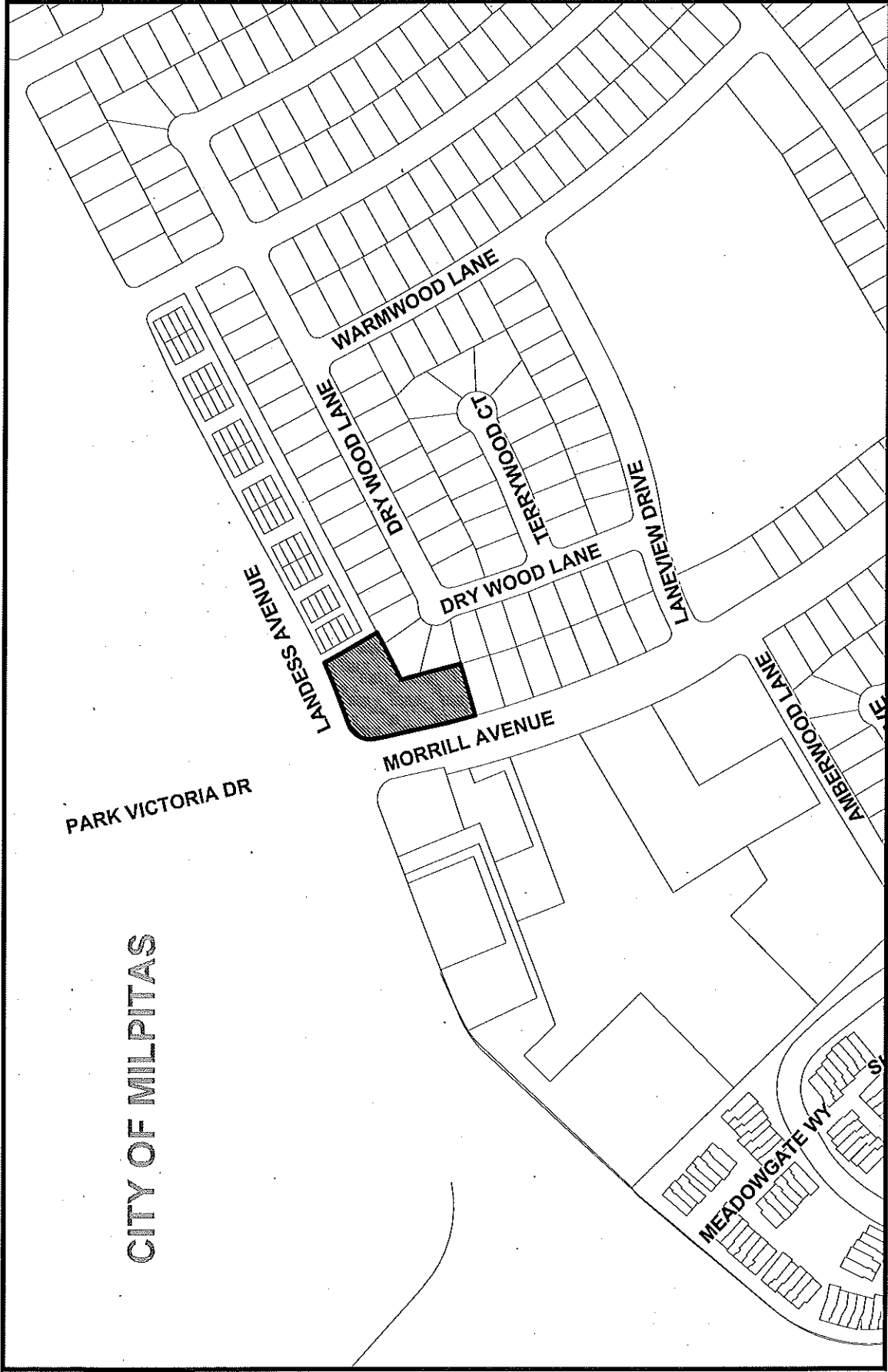
Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on:

10/8/08

Deputy

SBWalsh



PARK VICTORIA DR

CITY OF MILPITAS

File No: C07-084 and GP07-04-03

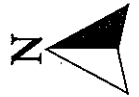
District: 4

Quad No: 36

Approx. Scale: 1" = 300'

Map Created On: 06/06/2008

Noticing Radius: 1000 feet



**DRAFT
NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Landess/Morrill General Plan Amendment & Conventional Rezoning

PROJECT FILE NUMBER: GP07-04-03 & C07-084

PROJECT DESCRIPTION: General Plan Amendment to change the Land Use/Transportation Diagram from Medium Density Residential 8-16 DU/AC on 0.6 acres (a portion of APN: 092-20-139) and Medium Low Density Residential 8 DU/AC on 0.36 acres (a portion of APN: 092-20-139 and all of APN: 092-20-008) to Neighborhood/Community Commercial on a 0.96 gross acre site and Conventional Rezoning to rezone from CO Commercial Office Zoning District on 0.8 acres (APN: 092-20-139) and R-2 Two Family Residence Zoning District on 0.16 acres (APN: 092-20-008) to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.96 gross acre site and subsequent permits.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southeast corner between Landess Avenue and Morrill Avenue; APNs: 092-20-139, 092-20-008

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: CFC Commercial Finance Corp., 500 E. Calaveras Boulevard, Suite 329, Milpitas, CA 95035

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study does not identify potentially significant effects on the environment. No mitigation measures are required.

- I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- III. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VI. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VIII. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVI. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on October 28, 2008, any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 10/8/08

SBWalden
Deputy

Adopted on: _____

Deputy